

SURVEILLANCE

"Bill of Rights Procedures Act"

H. R. 414                      Referred to Judiciary Committee

[Fish]

H. R. 214                      Referred to Judiciary Committee

[Mosher]

Purpose: To prohibit any interception of communications by electronic and other devices, surreptitious entry, mail opening, or the inspection of and procuring of the records of telephone, bank, credit, medical, or other business or private transaction of any individual without court order issued upon probable cause that a crime has been or is about to be committed.

Provisions:

1. Amends 18 U.S.C. 2236 ["Searches and Seizures"] to provide criminal sanctions against a U.S. officer or employee who performs any of the above acts without a search warrant or the individual's consent.

2. Amends Title 18, Chapter 119 [Interception of Wire and Oral Communication] by striking out the provisions which:

(a) exempt the President from the restrictions of Chapter 119 when exercising his power to protect the Nation against attack, obtain foreign intelligence information, to protect national security information, etc... [18 U.S.C. 2511(3)].

(b) provides for summary procedures for the interception of communications in certain emergency situations, subject to retroactive review. [18 U.S.C. 2518 (7)(8)(d)]

3. Amends Title 18, Chapters 119 and 205 to require the following information to be reported to the Senate and House Judiciary Committees:

(a) the facts in detail surrounding each application for, and order authorizing, a communications interception and mail opening;

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(b) the transcript of the hearings on each application for communications interception and mail opening;

(c) a report on the disposition of all records (including any logs or summaries) of any interception or mail opening and the identity of and action taken by all individuals who had access to any such interception or mail.